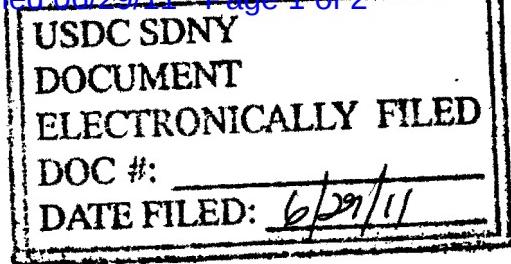


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



YAHKIMI GOMEZ-KADAWID, : 08 Civ. 5819 (SHS)

Petitioner, : \_\_\_\_\_

-against- : ORDER

ROBERT KIRKPATRICK, : \_\_\_\_\_

Respondent. : \_\_\_\_\_

SIDNEY H. STEIN, U.S. District Judge.

On May 4, 2011, Magistrate Judge Ronald L. Ellis issued a Report and Recommendation recommending that Gomez-Kadawid's petition pursuant to 28 U.S.C. § 2254 be denied. Objections to the Report & Recommendation were received by the Court on June 17, 2011. After a *de novo* review of the May 4, 2011, Report and Recommendation, and petitioner's objections,

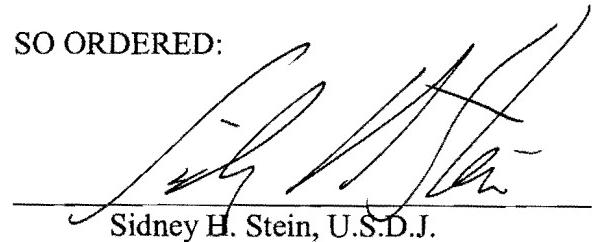
IT IS HEREBY ORDERED that:

1. Magistrate Judge Ellis' Report and Recommendation is adopted;
2. The petition pursuant to 28 U.S.C. § 2254 is dismissed;
3. As petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. 28 U.S.C. § 2253; see also Richardson v. Greene, 497 F.3d 212, 217 (2d Cir. 2007); and

4. Pursuant to 28 U.S.C. § 1915(a) the Court certifies that any appeal from this Order would not be taken in good faith.

Dated: New York, New York  
June 29, 2011

SO ORDERED:

A handwritten signature in black ink, appearing to read "Sidney H. Stein". The signature is fluid and cursive, with "Sidney" on the left and "H. Stein" on the right, separated by a short horizontal line.

Sidney H. Stein, U.S.D.J.